

REMARKS

I. Office Action Summary

Claims 1-22 are presently pending. Claims 1, 7, and 16 are the independent claims. In the Office Action, the Examiner rejected claims 1-5, 7, and 15-16 as anticipated by Brown et al. (U.S. Pat. No. 5,164,983) under 35 U.S.C. §102(b). The Examiner rejected claims 6, 8-13 and 17-22 as obvious over the Brown reference in view of Hurd (US Pat. No. 5,923,745) under 35 U.S.C. § 103(a). Claim 14 was rejected as obvious over the combination of Brown, Hurd and Shaffer et al. (U.S. Pat. No. 5,901,214). The Examiner also noted that no Brief Summary section was filed in the application.

II. Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-5, 7 and 15-16 as anticipated by the Brown reference.

The Brown reference discloses a telemarketing system that sends performance data from telecommunications centers to a traffic control center processor (TCCP). The performance data may include status information from each of the automatic call distributors (ACD's) 108 and data centers (DC's) 107 in the network, as well as data derived from an interface 113 with and interexchange network 103 that "provides information relative to the status of 'call processing logic' in effect in network 103." (FIG.1, Col. 8, lines 3-27).

Claim 1

Amended claim 1 relates to a system for routing both toll-free and caller-paid telephone calls. The system includes a call service having at least two call service centers, an interexchange network for handling toll-free telephone calls directed to the call service, and a local exchange network for handling caller-paid telephone calls directed to the call service. The system also includes:

a **call routing processor** in communication with the call service centers, the interexchange network, and the local exchange network, wherein the call routing processor is **configured to** receive status messages from the call service centers and **provide individual routing instructions to a**

respective one of the interexchange network and the local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network and local exchange network for each call directed to the call service, and wherein the toll-free and caller-paid telephone calls to the call service originating at the interexchange network and the local exchange network are routed to an appropriate service center.

(emphasis added)

Unlike the Brown reference, amended claim 1 calls for a system having a call routing processor in communication with both an IXC and an LEC. Furthermore, claim 1 recites routing inquiries received from the IXC and LEC at the call processor for each call originated at the IXC and LEC that is directed to the call service. Claim 1 further states that the call processor is configured to generate individual call routing instructions for each call.

The Brown reference fails to disclose receiving routing queries from an IXC or a LEC, instead the Brown reference the ability to monitor general status of an IXC or an LEC. Brown also fails to disclose a system where both an LEC and an IXC are in communication with a call processor. Finally, the Brown reference does not teach or suggest a call processor configured to provide individual routing instructions to IXC's or LEC's on a call-by-call basis in response to individual call routing instruction requests. Instead, Brown discloses a processor that can "effect changes in the call processing logic within the IXC network" (Col. 8, lines 56-60) through reactive or proactive processes. In other words, the Brown reference appears to discuss sending an entire set of call processing logic to an IXC to alter how all IXC originated calls will be handled rather than the individual query/response structure recited in claim 1. Applicants respectfully submit that, for at least these reasons, claim 1 is allowable over the Brown reference. Claims 2-6 are dependent claims, therefore their allowability directly follows from the allowability of independent claim 1.

Claim 7

Amended claim 7 is somewhat similar to claim 1 in that it also includes a call control processor configured to receive and respond to routing instruction queries on a call-by-call basis. Specifically, claim 7 includes the feature of:

a **call routing processor** in communication with the call service centers, the interexchange network, and the local exchange network, the call routing processor **configured to receive status messages from the call service centers and provide individual routing instructions to a respective one of the interexchange network and the local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network or local exchange network** for each call directed to the call service . . .
(emphasis added)

As with claim 1, claim 7 recites a call processor receiving routing queries for each call at the interexchange network and local exchange network and providing individual routing instructions for these calls to the local exchange network and interexchange network, respectively. Accordingly, for at least the same reasons as provided for claim 1, Applicants respectfully submit that independent claim 7 is allowable over the Brown reference. Claims 8-15 are dependent claims, therefore their allowability directly follows the allowability of independent claim 7.

Claim 16

Claim 16 relates to a method of routing caller-paid and toll-free telephone calls directed to a call service. Claim 16 includes, *inter alia*, the step of receiving a caller-paid telephone call at a switch in a local exchange network and requesting call routing instructions from the call routing processor. The Brown reference fails to teach or suggest requesting call routing instructions from the call processor. Instead, Brown discloses monitoring call load at an IXC or LEC over service intervals and deciding to change overall call processing logic at IXC (see FIGS. 4-6, items 400, 501 and 606). Because the Brown reference fails to teach or suggest these features, Applicants submit that claim 16 is allowable over the art of record. Claims 17-22 are dependent claims, therefore their allowability directly follows from the allowability of independent claim 16.

III. Claim Rejections Under 35 U.S.C. § 103(a)

A. The Examiner rejected claims 6, 8-13 and 17-22 as obvious over Brown in view of Hurd (U.S. Pat. No. 5,923,745) under 35 U.S.C. § 103(a).

Applicants note that dependent claims 2-6, 8-13 and 17-22 depend from independent claims 1, 7 and 16, respectively. Accordingly, although Applicants submit that each of the dependent claims recite additional patentable subject matter, Applicants respectfully submit that claims 2-6, 8-13 and 17-22 are allowable for at least the same reasons provided above for their respective independent claims (1, 7 and 16).

B. The Examiner rejected claim 14 as obvious over the combination of Brown, Hurd and Shaffer et al. (U.S. Pat. No. 5,901,214)

Claim 14 depends from independent claim 7. Applicants submit that claim 14 is allowable for at least the same reasons as provided for independent claim 7 above. Applicants respectfully submit that claim 14 is allowable over the art of record.

IV. Conclusion

Applicants have amended claims 1 and 7 to further clarify the patentable feature of a call routing processor configured to receive, and respond to, call routing queries from a local exchange network and an interexchange network on a call-by-call basis. Pursuant to 37 C.F.R. §1.121, Applicants have attached a marked-up copy of claims 1 and 7 in Appendix A attached hereto. Applicants submit that the above amendments are fully supported by the specification as filed. As noted with respect to claim 16, the Brown reference fails to teach or suggest the claimed steps of, for example, receiving call routing queries from a local exchange network. Finally, regarding the Examiner's comments on the absence of a summary section, Applicants are unaware of any statutory requirement that an application include a summary section. Applicants are willing to create a summary if the Examiner is uncomfortable with the present format.

In light of the above amendments and remarks, Applicants submit that all of the pending claims (1-22) are in condition for allowance. If any questions arise or issues remain, the Examiner is invited to contact the undersigned at the number listed below in order to expedite disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", written over a horizontal line.

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APPENDIX A

1. (Amended) A system for routing both toll-free and caller-paid telephone calls comprising:

a call service having at least two call service centers;

an interexchange network for handling toll-free telephone calls directed to the call service;

a local exchange network for handling caller-paid telephone calls directed to the call service; and

a call routing processor in communication with the call service centers, the interexchange network, and the local exchange network, wherein the call routing processor is configured to receive status messages from the call service centers and provide individual routing instructions to a respective one of [both] the interexchange network and the local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network and local exchange network for each call directed to the call service, and wherein the toll-free and caller-paid telephone calls to the call service originating at the interexchange network and the local exchange network are routed to an appropriate service center.

7. (Amended) A system for routing both toll-free and caller-paid telephone calls, the system comprising:

a call service having a plurality of call service centers

an interexchange network for handling toll-free telephone calls directed to the call service;

a local exchange network for handling caller-paid telephone calls directed to the call service, the local exchange network having a call controller;

a call routing processor in communication with the call service centers, the interexchange network, and the local exchange network, the call routing processor configured to receive status messages from the call service centers and provide individual routing instructions to a respective one of the interexchange network and the

local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network or local exchange network for each call directed to the call service, wherein the call controller comprises a call routing processor interface having communication logic for communicating with the call routing processor.